

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.H., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KARCEY M. ROBINSON,

Respondent-Appellant,

and

DANIEL MOSLEY,

Respondent.

UNPUBLISHED

March 24, 2009

No. 288183

Calhoun Circuit Court

Family Division

LC No. 03-002973-NA

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

MEMORANDUM.

Respondent Karcey Robinson appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i) and/or (l). We affirm.

The trial court did not clearly err in finding that § 19b(3)(l) was established by clear and convincing legally admissible evidence. MCR 3.977(E); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). It was undisputed that the child's siblings were the subjects of child protective proceedings and that those proceedings resulted in the termination of respondent's parental rights to each child. Respondent does not dispute this, but contends that proof of something more than a prior termination should be required before termination can be ordered under § 19b(3)(l). We disagree.

Subsection 19b(3)(l) authorizes termination upon clear and convincing evidence that (1) the child's sibling(s) came under the court's jurisdiction as a result of child protective proceedings instituted under MCL 712A.2(b), and (2) those proceedings resulted in the termination of the parent's parental rights. Nothing more, such as proof of future neglect or an opportunity for rehabilitation, is required. Plain and unambiguous statutory language is to be enforced as written, *Macomb Co Prosecutor v Murphy*, 464 Mich 149, 158; 627 NW2d 247

(2001), and a court cannot read into a statute anything “that is not within the manifest intent of the Legislature as gathered from the act itself.” *In re S R*, 229 Mich App 310, 314; 581 NW2d 291 (1998). Further, undisputed proof of a prior involuntary termination only establishes that a statutory ground for termination exists, but does not, in and of itself, enable the court to order termination. The court must also find that termination is in the child’s best interests before it can order termination of parental rights. MCL 712A.19b(5). The court so found in this case and respondent does not challenge that finding on appeal. Therefore, the trial court did not err in terminating respondent’s parental rights to the child.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood
/s/ Alton T. Davis